

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed 80-foot high amateur radio antenna tower on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane.

Applicant has revised the request as follows: a 60-foot high 18"x18"x18" triangular tower with a four antennae array which extends 6 feet above the tower and can extend to 70 feet in length. The location of the tower has moved 30 feet to the southwest. The tower will be located approximately 92 feet from the east property line, 44 feet from the north property line, 60 feet from the west property line and 113 feet from the south property line.

EXECUTIVE SUMMARY

A 60-foot tower is typically associated with commercial and industrial developments and is not appropriate in this residential area.

BACKGROUND INFORMATION

A) Related Actions

There is no relevant zoning history for this site.

B) Pre-Application Meeting

06/14/06 The requirements of a Special Use Permit application were explained.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.63

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwelling
South: Single Family Dwelling
East: Single Family Dwelling
West: Undeveloped – single family subdivision map recorded

C) Planned Land Use

Subject Property: R (Rural) Density Residential
North: R (Rural) Density Residential
South: R (Rural) Density Residential
East: R (Rural) Density Residential
West: R (Rural) Density Residential

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [R (Rural) General Plan Designation]
North: R-1 (Single Family Residential)
South: U (Undeveloped) Zone [R (Rural) General Plan Designation]
East: U (Undeveloped) Zone [R (Rural) General Plan Designation]
West: U (Undeveloped) Zone under Resolution of Intent to R-PD6
(Residential Planned Development - 6 Units Per Acre)

E) General Plan Compliance

The U (Undeveloped) zoning classification is in conformance with the R (Rural) density residential General Plan designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

A) General Analysis and Discussion

August 10, 2006, SUP-15027 was considered by the Planning Commission, and that body recommended denial of the application to the City Council. Subsequently, the application was considered by the City Council and the Council voted to remand the application to the Planning Commission for further consideration. Most recently, on November 2, 2006, the Planning Commission reheard the application and voted to continue the public hearing on the application until December 21, 2006, to enable City staff to further communicate with the applicant regarding the City's obligation to make an "offer of reasonable accommodation" pursuant to the mandate of a specific FCC declaratory ruling, commonly referred to as PRB-1 ("PRB-1").

PRB-1 announced a limited federal preemption of local zoning laws that affect amateur radio communications as follows:

"Local regulations which involve placement, screening, or height of antennas based upon health, safety or aesthetic considerations must be crafted to accommodate reasonably amateur communications . . ."

At the City of Las Vegas, we have chosen to regulate the placement, screening and height of proposed amateur radio antennas greater than 15 feet in height by subjecting the applicant to the discretionary Special Use Permit process in order to reasonably accommodate amateur communications where possible. This process permits City staff, as well as the Planning Commission and City Council, to review each request for an amateur radio antenna independently, and decide upon the proper course of action based on the circumstances presented with each particular application. It also allows City staff to attempt to negotiate a satisfactory compromise with the applicant during the pendency of the public hearing process, if necessary.

The Planning and Development Department offered the following reasonable accommodation: the department will fully support the request for approval of an amateur radio antenna tower before the Planning Commission and City Council, provided that the tower is a crank-up or tilt-up antenna, no taller than forty feet from grade when fully extended, and no taller than fifteen feet from grade when not in use.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

A 60-foot tower is typically associated with commercial and industrial developments and is not appropriate in this residential area. The Planning and Development Department finds that this application, which requests a tower that is highly industrial in appearance, is not harmonious or compatible with the single-family and multi-family dwellings within the one-thousand foot (1000 ft.) radial notice area from the property line.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed use is too intense for a residential neighborhood.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed use will not bring additional traffic to the property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

5

ASSEMBLY DISTRICT

2

SENATE DISTRICT

8

<u>NOTICES MAILED</u>	233	by City Clerk
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<u>APPROVALS</u>	0	
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<u>PROTESTS</u>	42	
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